

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Pacific Gas and Electric Company (U 39 E) for a Certificate of Public Convenience and Necessity Authorizing the Construction of the Jefferson-Martin 230 kV Transmission Project.

Application 02-09-043
(Filed September 30, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING REQUESTS TO INTERVENE AND
MODIFYING SCHEDULE**

Requests to Intervene

Five entities filed requests to intervene on November 12, 2003: the Town of Hillsborough (Hillsborough); Gateway Property Owners Association (Gateway POA); Genentech, Inc. (Genentech); Golden Gate Produce Terminal, Ltd. (Golden Gate); and HMS Oyster Point Blvd., LLC., and Concerned Businesses East of 101 (HMS/CBE-101). No party has filed a response to these requests.

Hillsborough is already a party in this proceeding, so its motion to intervene does not need to be considered. However, I add its attorney to the service list.

Gateway POA represents the owners of properties in the Gateway Redevelopment Project Area in South San Francisco. Gateway POA takes issue with the industrial characterization of its area in the Draft Environmental Impact Report (EIR) and submits that the Draft EIR gives no consideration to the impact that construction of the Jefferson-Martin transmission line would have on office,

hotel, and childcare facilities in the area. Genentech, a biotechnical company with facilities in the Gateway Boulevard area, expresses similar concerns.

Golden Gate states that its produce terminal is the largest and most active wholesale produce distribution site in the San Francisco Bay Area. It is concerned that construction of the northern segment route identified as the environmentally superior alternative in the Draft EIR would disrupt traffic into its facility located in South San Francisco.

HMS states that the northern segment route identified as the environmentally superior alternative in the Draft EIR bisects its property immediately north of the intersection of Gateway and Oyster Point Boulevards in South San Francisco. CEB-101 is an unincorporated association of businesses and property owners east of Highway 101 in South San Francisco formed for the limited purpose of participating in these proceedings. These parties describe that the area east of Highway 101, while it previously supported heavy industrial use, has been the subject of a thorough remediation effort and is now an office and retail park. HMS/CEB-101 assert that the Draft EIR does not reflect the current status of HMS's property or the area east of Highway 101.

There is no prejudice to any party from Gateway POA, Genentech, Golden Gate, and HMS/CBE-101 intervening at this time. These parties indicate an intent to participate actively in this proceeding. Although there may be some overlap of interests between these parties and other parties, their interests may not at all times coincide with those of other parties. For these reasons, I grant these parties' requests to intervene. To the extent these parties have similar interests, I expect them to coordinate their participation to minimize duplicative testimony and use of hearing time.

Scheduling Issues

By previous ruling, I suspended the schedule for submission of testimony. Evidentiary hearings previously scheduled for December 4 – 10, 2003 are reset, and the following schedule is established for testimony and evidentiary hearings, based on discussions during a scheduling conference call on November 21, 2003:

Direct testimony (except for need testimony submitted October 10, 2003)	December 15, 2003
Concurrent rebuttal testimony (except for CCSF witness Barry Flynn)	January 5, 2004
Electronic distribution of cross-examination times and witness availability	January 7, 2004
Scheduling conference call	January 8, 2004 2:00 p.m.
Rebuttal testimony of Mr. Flynn	January 9, 2004
Evidentiary hearings	January 12 – 16 and January 20 – 23, 2004

Parties should distribute their estimates of cross-examination times and the availability of their witnesses to the Administrative Law Judge (CFT@cpuc.ca.gov) and to all email addresses on the service list for this proceeding, available at <http://www.cpuc.ca.gov>.

Parties wishing to participate in the conference call on January 8, 2004 to schedule witnesses should call 1-203-310-3009 at 2:00 p.m. The participant passcode is 487101.

Evidentiary hearings will commence at 10:00 a.m., on January 12, 2004 and on January 20, 2004. Hearings will commence at 9:00 a.m., on other days. Parties

are referred to the March 19, 2003 Scoping Memo for other procedural ground rules regarding the hearings.

The briefing schedule will be set during the evidentiary hearings.

As a final matter, I will not prepare a separate proposed decision certifying the Final EIR. That matter will be handled in the Commission's decision on PG&E's Certificate of Public Convenience and Necessity request following the evidentiary hearings.

Parties have received advance electronic notice of this ruling due to the shortness of time.

IT IS RULED that:

1. The following person is granted Interested Party status on behalf of the Town of Hillsborough and is added to the Appearances portion of the service list:

Mark Hudak
Ingersoll, Thompson & Horn Professional Corporation
216 Park Road
Burlingame, CA 94010
Telephone: (650) 342-9600
Facsimile: (650) 342-7685
Email: mhudak@cmithlaw.com
Appearing for Town of Hillsborough

3. The Motion to Intervene by Gateway Property Owners Association (Gateway POA) is granted.

4. The Joint Motion to Intervene of HMS Oyster Point Blvd., LLC., and Concerned Businesses East of 101 (HMS/CBE-101) is granted.

5. The following person is granted Interested Party status on behalf of Gateway and on behalf of HMS/CBE-101 and is added to the Appearances portion of the service list:

Zachary R. Walton
Paul, Hastings, Janofsky and Walker, LLP
55 Second Street, 24th Floor
San Francisco, CA 94105
Telephone: (415) 856-7000
Facsimile: (415) 856-7100
E-mail: zacharywalton@paulhastings.com
Appearing for Gateway Property Owners Association
Appearing for HMS Oyster Point Blvd., LLC., and Concerned Businesses East of 101

5. The motion to intervene of Genentech, Inc. (Genentech) is granted.

6. The following person is granted Interested Party status on behalf of Genentech and is added to the Appearances portion of the service list:

Peter W. Hanschen
Morrison & Foerster, LLP
101 Ygnacio Valley Road, Suite 450
P.O. Box 8130
Walnut Creek, CA 94596-8130
Telephone: (925) 295-3450
Facsimile: (925) 946-9912
E-mail: phanschen@mofo.com
Appearing for Genentech, Inc.

7. The petition to intervene by Golden Gate Produce Terminal, Ltd. (Golden Gate) is granted.

8. The following person is granted Interested Party status on behalf of Golden Gate and is added to the Appearances portion of the service list:

Michael J. Valencia, Esq.
Ross, Hackett, Dowling, Valencia and Walti
600 El Camino Real
P.O. Box 279
San Bruno, CA 94066
Telephone: (650) 588-0367
Facsimile: (650) 588-3413
E-mail: Ross-ndv@pacbell.net

9. The schedule for submission of testimony and evidentiary hearings in this proceeding is modified as set forth above.

10. Certification of the Final Environmental Impact Report shall be addressed in the Commission's decision on PG&E's Certificate of Public Convenience and Necessity request.

Dated December 3, 2003, at San Francisco, California.

/s/ CHARLOTTE F. TERKEURST

Charlotte F. TerKeurst
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Requests to Intervene and Modifying Schedule on all parties of record in this proceeding or their attorneys of record.

Dated December 3, 2003, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.